

# TRANSFER OF JURISDICTION

DOCKET NUMBER (Trans. Court)  
2:98CR00070-001

DOCKET NUMBER (Rec. Court)

01-028-TP-Jordan

NAME AND ADDRESS OF PROBATIONER/SUPERVISED RELEASEE:

DE LA OSA, MICHEL  
9850 South West 83<sup>rd</sup> St.  
Miami, FL 33173

DISTRICT

SOUTHERN DISTRICT OF  
TEXAS

DIVISION

Corpus Christi

NAME OF SENTENCING JUDGE

Janis Graham Jack

DATES OF PROBATION/SUPERVISED  
RELEASE

FROM  
8-11-00

TO  
8-10-04

OFFENSE

Conspiracy to Possess With Intent to Distribute 1,898 Kilograms of Marijuana  
21 U.S.C. Sect 846, 841(a)(1) and (b)(1)(A)

United States District Court  
Southern District of Texas  
FILED

FEB 12 2001

## PART 1 - ORDER TRANSFERRING JURISDICTION

Michael N. Milby, Clerk of Court

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS/ CORPUS CHRISTI

It is ordered that the jurisdiction of this probationer or supervised releasee be transferred with the records of the Court to the United States District Court for the Southern District of Florida on that Court's acceptance. This Court expressly consents that the period of supervision may be changed by the receiving District Court without approval of this court. See 18 U.S.C. 3605.

11-26-00  
Date

Janis Graham Jack  
United States District Judge

## PART 2 - ORDER ACCEPTING JURISDICTION

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA/ MIAMI

Jurisdiction over the person supervised is accepted by this Court from the entry of this order.

1/24/01  
Effective Date

ALAN S. GOLD  
United States District Judge

TRUE COPY I CERTIFY

ATTEST

MICHAEL N. MILBY, Clerk of Court

By *[Signature]*  
Deputy Clerk

VS/1

CLOSED

U.S. District Court  
TXS - Southern District of Texas (Corpus Chris)

CRIMINAL DOCKET FOR CASE #: 98-CR-70-1

USA v. De La Osa  
Case Assigned to: Judge Janis Graham Jack

Filed: 04/08/98

Other Dkt # 2:98-m -00082

MICHEL NMI DE LA OSA  
defendant  
[term 01/22/99]

Roberto G Vela  
[COR LD NTC cja]  
Attorney at Law  
1321 S Port Ave  
Corpus Christi, TX 78405  
361-888-4981

James R Walker  
[term 01/22/99]  
[COR LD NTC ret]  
Matt Leeper et al  
440 Louisiana  
Ste 1550  
Houston, TX 77002  
713-228-5657

Corpus Christi Interpreter  
[term 01/22/99]  
[COR LD NTC ret]  
U S District Court  
521 Starr  
Rm 101  
Corpus Christi, TX 78401

Joseph Ronald Barroso  
[term 04/06/98]  
361-994-0069 fax  
[COR LD NTC ret]  
Attorney at Law  
5350 S Staples  
Ste 401  
Corpus Christi, TX 78411  
361-994-7200

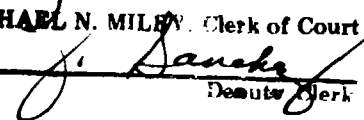
Michael NMI De La Osa  
[term 01/22/99]  
[COR LD NTC]  
c/o Nueces Co. Jail  
SID NO 10087113  
P. O. Box 1529  
Corpus Christi, TX 78401

TRUE COPY I CERTIFY

ATTEST:

MICHAEL N. MILEY, Clerk of Court

By

  
Deputy Clerk

INTERNAL USE ONLY: Proceedings include all events.

2:98cr70-1 USA v. De La Osa

CLOSED

## Pending Counts:

## Disposition

Did conspire to possess with intent to distribute approximately 1,898 kilograms (gross weight) of marijuana. 21:846 and 21:841(a)(1), 841(b)(1)(A). Date of Offense: March 21, 1998. Penalty: Not less than 10 years and not more than life imprisonment; a fine of up to \$4 million; at least 5 years SRT; and a \$100.00 special assessment; and community restitution up to the amount of any fine imposed by the court.  
(1)

50 months BOP, 4 years Supervised Release Term, \$10.00 fine, \$100.00 special assessment  
(1)

Offense Level (opening): 4

## Terminated Counts:

## Disposition

Did knowingly possess with intent to distribute approximately 1,157 kilograms (gross weight) of marijuana. 21:841(a)(1), 841(b)(1)(A), and 18:2. Date of Offense: March 21, 1998. Penalty: Not less than 10 years and not more than life imprisonment; a fine of up to \$4 million; at least 5 years SRT; and a \$100.00 special assessment; and community restitution up to the amount of any fine imposed by the court.  
(2)

Dismissed on Government's Motion  
(2)

Offense Level (disposition): 4

INTERNAL USE ONLY: Proceedings include all events.  
2:98cr70-1 USA v. De La Osa

CLOSED

Complaints

Disposition

Knowingly, intentionally, and unlawfully possess w/intent to distribute a controlled substance in Schedule I of the Controlled Substance Act of 1970, to wit: 2,547 lbs. (approx. gross weight) of marijuana. 21:841(a)(1)  
[ 2:98-m -82 ]

U. S. Attorneys:

U S Probation  
FTS n  
361-888-3518 fax  
[COR LD NTC ret]  
606 N Carancahua  
Ste 1500  
Corpus Christi, TX 78470

Pretrial Services - CC  
FTS n  
361-888-3419 fax  
[COR LD NTC ret]  
606 Carancahua  
Ste 400  
Corpus Christi, TX 78476  
361-888-3411

U S Marshal - C  
FTS n  
361-888-3174  
[COR LD NTC ret]  
521 Starr  
B1  
Corpus Christi, TX 78401

Kenneth Cusick  
361-888-3271  
[COR LD NTC]  
Office of U S Attorney  
606 N Carancahua  
Ste 1400  
Corpus Christi, TX 78476  
361-888-3111

INTERNAL USE ONLY: Proceedings include all events.

2:98cr70-1 USA v. De La Osa

CLOSED

3/21/98 -- ARREST of Michael NMI De La Osa  
[ 2:98-m -82 ] (gl) [Entry date 03/23/98]

3/22/98 -- COMPLAINT as to Michael NMI De La Osa , filed.  
[ 2:98-m -82 ] (gl) [Entry date 03/23/98]

3/23/98 -- Initial appearance as to Michael NMI De La Osa held before  
Magistrate Judge B. J. Ellington; Preliminary Examination  
and Detention Hearing set for 9:00 3/25/98. Robert Galvan  
f/gvt. Ct Reporter: Sylvia Syler Tape Number: 1 (1831-2324)  
Interpreter: Millie Macossay (Defendant informed of  
rights.), filed. Deft. remanded.  
[ 2:98-m -82 ] (gl) [Entry date 03/23/98]

3/23/98 -- ORDER OF DETENTION AND HEARING as to Michael NMI De La Osa  
Detention Hearing set for 9:00 3/25/98 ( Signed by  
Magistrate Judge B. J. Ellington ), entered.  
[ 2:98-m -82 ] (gl) [Entry date 03/23/98]

3/23/98 -- \*\*Added for Michael NMI De La Osa Corpus Christi  
Interpreter  
[ 2:98-m -82 ] (gl) [Entry date 03/30/98]

3/25/98 -- Call for Preliminary Examination as to Michael NMI De La  
Osa before Magistrate Judge B. J. Ellington. Hrg. reset to  
3/30/98 at 2:30 p.m. Ken Cusick f/gvt; Ron Barroso f/dft.  
Ct Reporter: Sylvia Syler Tape Number: 1 (22-253)  
Interpreter: Millie Macossay , entered. Deft. remanded.  
[ 2:98-m -82 ] (gl) [Entry date 03/30/98]

3/25/98 -- Call for Detention Hearing as to Michael NMI De La Osa  
before Magistrate Judge B. J. Ellington. Ken Cusick f/gvt;  
Ron Barroso f/dft. Hrg. continued to 3/30/98 at 2:30 p.m.  
Ct Reporter: Sylvia Syler Tape Number: 1 (22-253)  
Interpreter: Millie , entered. Deft. remanded.  
[ 2:98-m -82 ] (gl) [Entry date 03/30/98]

3/25/98 -- \*\*Added for Michael NMI De La Osa Attorney Joseph Ronald  
Barroso  
[ 2:98-m -82 ] (gl) [Entry date 03/30/98]

3/30/98 -- Call for Prelim and Dtn Hrng. as to Michael NMI De La Osa  
before Magistrate Judge B. J. Ellington. Clerk advised  
Court that James Walker from Houston has been retained to  
represent deft. Clerk advised Court Mr. Walker requested a  
continuance until Monday. Court resets case until Monday,  
April 6, 1998, at 9:00 a.m. Patti Booth f/gvt. Ct Reporter:  
Sylvia Syler Tape Number: 2/360-500 Interpreter: Millie  
Macossay , entered. Deft. remanded.  
[ 2:98-m -82 ] (ls) [Entry date 03/31/98]  
[Edit date 04/08/98]

INTERNAL USE ONLY: Proceedings include all events.

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CLOSED

3/30/98 -- Deadline updated as to Michael NMI De La Osa, reset Preliminary Examination and Detention Hearing for 9:00 4/6/98 before Magistrate Judge B. J. Ellington [ 2:98-m -82 ] (ls) [Entry date 03/31/98]

4/6/98 -- Detention hearing as to Michael NMI De La Osa held before Magistrate Judge B. J. Ellington. Court deferrs ruling until 4-13-98 after Deft's atty files translated letters. Ken Cusick f/gvt; James Walker f/dft. Ct Reporter: Sylvia Syler Tape Number: 1 (16-1521) Interpreter: Millie Macossay, filed. Deft. remanded. [ 2:98-m -82 ] (gl) [Entry date 04/08/98] [Edit date 04/08/98]

4/6/98 -- Preliminary Examination as to Michael NMI De La Osa held before Magistrate Judge B. J. Ellington. Court found probable cause. Ken Cusick f/gvt; James Walker f/dft. Ct Reporter: Sylvia Syler Tape Number: 1 (16-1621) Interpreter: Millie Macossay, filed. Deft. remanded. [ 2:98-m -82 ] (gl) [Entry date 04/08/98]

4/6/98 -- \*\*Added for Michael NMI De La Osa Attorney James R Walker [ 2:98-m -82 ] (gl) [Entry date 04/08/98]

4/6/98 -- \*\*Terminated attorney Joseph Ronald Barroso for Michael NMI De La Osa [ 2:98-m -82 ] (gl) [Entry date 04/08/98]

4/6/98 -- \*\*Terminated attorney Joseph Ronald Barroso for Michel NMI De La Osa as to Michel NMI De La Osa (ls) [Entry date 04/16/98]

4/8/98 -- \*\*Terminate defendant in magistrate case merged to CR case: CR C-98-70. Party Michael NMI De La Osa Terminated motions: [ 2:98-m -82 ] (ls) [Entry date 04/09/98]

4/8/98 1 INDICTMENT as to Michael NMI De La Osa (1) counts 1 and 2; Ernesto M. Cachon (2) counts 1 and 3, filed. (ls) [Entry date 04/09/98]

4/8/98 -- \*\*Added Government Attorney Kenneth Cusick, U S Marshal, U S Probation, Pretrial Services (ls) [Entry date 04/09/98]

4/9/98 -- \*\*Address labels only [ 2:98-m -82 ] (ls) [Entry date 04/09/98]

4/9/98 -- \*\*Address labels only [ 2:98-m -81 ] (ls) [Entry date 04/09/98]

4/9/98 -- NOTICE of Setting as to Michel NMI De La Osa :, set Arraignment for 10:30 4/16/98 for Michel NMI De La Osa before Magistrate Judge Jane Cooper-Hill , filed. (ls) [Entry date 04/09/98]

INTERNAL USE ONLY: Proceedings include all events.

2:98cr70-1 USA v. De La Osa

CLOSED

- 4/10/98 2 MOTION by Michel NMI De La Osa to set Bond , filed. (gl)  
[Entry date 04/14/98]
- 4/14/98 3 ORDER as to Michel NMI De La Osa denying [2-1] motion to  
set Bond ( Signed by Magistrate Judge B. J. Ellington ),  
entered. Parties ntfd. (gl) [Entry date 04/14/98]
- 4/14/98 4 ORDER OF DETENTION PENDING TRIAL as to Michel NMI De La Osa  
( Signed by Magistrate Judge B. J. Ellington ), entered. (gl)  
[Entry date 04/14/98]
- 4/16/98 5 Arraignment as to Michel NMI De La Osa held before  
Magistrate Judge Jane Cooper-Hill. AUSA Elsa Salinas/Govt.  
James Walker/Deft. Ct Reporter: Linda Smith Tape Number:  
1/20-320 Interpreter: Millie Macossay Michel NMI De La Osa  
(1) counts 1 and 2 , filed., Plea of Not Guilty: (ls)  
[Entry date 04/16/98]
- 4/16/98 6 SCHEDULING ORDER as to Michel NMI De La Osa setting  
Pretrial Conference and Plea Agreement Deadline for 8:30  
5/29/98; Jury Selection and Trial for 8:00 6/2/98 before  
Judge Janis Graham Jack ( Signed by Magistrate Judge Jane  
Cooper-Hill ), entered. Parties ntfd. (ls)  
[Entry date 04/16/98]
- 5/5/98 9 MOTION by Michel NMI De La Osa for leave to file Motion to  
Suppress Late , filed. (ys) [Entry date 05/05/98]
- 5/5/98 10 MOTION by Michel NMI De La Osa to suppress evidence ,  
filed. (ys) [Entry date 05/05/98]
- 5/5/98 11 MOTION by Michel NMI De La Osa for discovery of evidence  
, filed. (ys) [Entry date 05/05/98]
- 5/6/98 12 ORDER as to Michel NMI De La Osa granting [9-1] motion for  
leave to file Motion to Suppress Late ( Signed by Judge  
Janis Graham Jack ), entered. Parties ntfd. (ys)  
[Entry date 05/07/98]
- 5/20/98 13 MOTION by Michel NMI De La Osa to withdraw [11-1] motion  
for discovery of evidence, [10-1] motion to suppress  
evidence , filed. (ys) [Entry date 05/20/98]
- 5/20/98 14 ORDER as to Michel NMI De La Osa granting [13-1] motion to  
withdraw [11-1] motion for discovery of evidence, [10-1]  
motion to suppress evidence.( Signed by Judge Janis Graham  
Jack ), entered. Parties ntfd. (ys) [Entry date 05/21/98]
- 5/27/98 17 MOTION by USA as to Michel NMI De La Osa to transport,  
to seal , filed. (ys) [Entry date 05/27/98]

INTERNAL USE ONLY: Proceedings include all events.

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CLOSED

- 5/28/98 18 SEALED ORDER as to Michel NMI De La Osa granting [17-1] motion to transport, granting [17-2] motion to seal ( Signed by Judge Janis Graham Jack ), entered. Parties ntfd. (ys) [Entry date 05/28/98]
- 5/29/98 19 Pre-trial conference as to Michel NMI De La Osa, Ernesto M. Cachon held before Judge Janis Graham Jack. Ct Reporter: Maggie Rodriguez. Tape Number: 1. Interpreter: Zeph Pease , filed. Kenneth Cusick f/govt. James R. Walker f/deft. Michael De La Osa; Jose Gonzalez-Falla f/deft. Ernest M. Cachon. Defts. announce that they will accept a plea agreement and request to be re-arraigned. (ys) [Entry date 06/01/98]
- 5/29/98 20 Re-Arraignment as to Michel NMI De La Osa held before Judge Janis Graham Jack. Ct Reporter: Maggie Rodriguez. Tape Number: 2. Interpreter: Zeph Pease, filed. Plea of Guilty: Ct 1. (Terminated motions -, [11-1] motion for discovery of evidence, [10-1] motion to suppress . Ken Cusick f/govt. James R. Walter f/deft. Deft. remanded to custody of USM. (ys) [Entry date 06/01/98]
- 5/29/98 21 Memorandum of Plea Agreement as to Michel NMI De La Osa , filed. (ys) [Entry date 06/01/98]
- 5/29/98 22 ORDER for Disclosure of PSI as to Michel NMI De La Osa , PSI completion by 7/3/98, Objection to PSI due 7/17/98, Final PSI due 7/28/98, Sentencing set for 1:15 8/12/98 before Judge Janis Graham Jack ( Signed by Judge Janis Graham Jack ), entered. Parties ntfd. (ys) [Entry date 06/01/98]
- 5/29/98 -- \*\*Terminating deadlines as to Michel NMI De La Osa, Ernesto M. Cachon (ys) [Entry date 06/01/98]
- 7/22/98 26 MOTION by Michel NMI De La Osa to extend time to file objections to presentence investigation report , filed. (ys) [Entry date 07/22/98]
- 7/29/98 27 FINAL PRESENTENCE INVESTIGATION REPORT (Sealed) as to Michel NMI De La Osa , filed. (ys) [Entry date 07/29/98]
- 7/29/98 28 SEALED Confidential Sentencing Recommendation regarding Michel NMI De La Osa to the Court, filed and placed in vault. PSI and recommendation hand-delivered to courtroom mgr (ys). (ys) [Entry date 07/29/98]
- 8/10/98 31 JOINT MOTION by Michel NMI De La Osa to continue sentencing , filed. (ys) [Entry date 08/10/98]
- 8/10/98 33 ORDER as to Michel NMI De La Osa granting [31-1] joint motion to continue sentencing reset Sentencing for 1:15 10/13/98 for before Judge Janis Graham Jack ( Signed by Judge Janis Graham Jack ), entered. Parties ntfd. (ys)



INTERNAL USE ONLY: Proceedings include all events.

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CLOSED

[Entry date 08/11/98]

- 9/30/98 37 AGREED MOTION by USA as to Michel NMI De La Osa to continue, to seal , filed. (ys) [Entry date 09/30/98]
- 10/7/98 38 SEALED ORDER as to Michel NMI De La Osa granting [37-1] motion to continue, granting [37-2] motion to seal, reset Sentencing for before Judge Janis Graham Jack ( Signed by Judge Janis Graham Jack ), entered. Parties ntfd. (ys) [Entry date 10/07/98]
- 10/7/98 -- Deadline updated as to Michel NMI De La Osa, s reset Sentencing for 8:00 10/22/98 before Judge Janis Graham Jack (ys) [Entry date 10/07/98]
- 10/21/98 40 MOTION by USA as to Michel NMI De La Osa, Ernesto M. Cachon SEALED MOTION , filed. (ys) [Entry date 10/21/98]
- 10/21/98 41 SEALED ORDER as to Michel NMI De La Osa, Ernesto M. Cachon granting [40-1] motion SEALED MOTION set Sentencing for January 22, 1999 at 8:00 a.m. before Judge Janis Graham Jack ( Signed by Judge Janis Graham Jack ), entered. Parties ntfd. (ys) [Entry date 10/22/98]
- 10/21/98 -- Deadline updated as to Michel NMI De La Osa, Ernesto M. Cachon, reset Sentencing for 8:00 1/22/99 before Judge Janis Graham Jack (ys) [Entry date 10/22/98]
- 1/22/99 42 Sentencing held before Judge Janis Graham Jack. Ct Reporter: Velma Gano. Tape Number: 1/4. Interpreter: Zeph Pease. Michel NMI De La Osa (1) count(s) 1. 50 months BOP, 4 years Supervised Release Term, \$10.00 fine, \$100.00 special assessment , filed. Michel NMI De La Osa terminated. US Probation Officer: Susan Moore. Ken Cusick f/govt. James Walker f/deft. Deft. remanded to custody of USM. (ys) [Entry date 01/25/99]
- 1/22/99 43 MOTION by USA as to Michel NMI De La Osa to dismiss Ct 2 of the indictment , filed. (ys) [Entry date 01/25/99]
- 1/22/99 -- \*\*Case closed as to all defendants: Michel NMI De La Osa, Ernesto M. Cachon (ys) [Entry date 01/25/99]
- 1/25/99 44 ORDER granting [43-1] motion to dismiss Ct 2 of the indictment as to Michel NMI De La Osa (1) and DISMISSAL of Count(s) on Govt Motion. Counts Dismissed: count(s) 2 ( Signed by Judge Janis Graham Jack ) , entered. Parties ntfd. (ys) [Entry date 01/25/99]
- 1/26/99 49 JUDGMENT as to Michel NMI De La Osa (1) count(s) 1 ( Signed by Judge Janis Graham Jack ), entered. Parties ntfd. (ys) [Entry date 01/26/99]

INTERNAL USE ONLY: Proceedings include all events.

2:98cr70-1 USA v. De La Osa

CLOSED

3/31/00 50 MOTION by Michel NMI De La Osa for appointment of counsel , filed. (mas) [Entry date 03/31/00]

3/31/00 51 ORDER granting [50-1] motion for appointment of counsel as to Michel NMI De La Osa (1) ( Signed by Judge Janis Graham Jack ), entered. Parties ntfd. (mas) [Entry date 03/31/00]

3/31/00 -- Copy of letter doc. #50 furnished to Ron Barro, Probation Officer and U.S. Attorney per instruction of Judge Jack/mas. (mas) [Entry date 03/31/00]

3/31/00 -- Per USM's Service, Deft. De La Osa is in Nueces County Jail on a writ testificandum, waiting to testify in Cr. C-98-309, USA VS. FELIPE MEDINA-MAR on April 28, 2000 at 8:30. (mas) [Entry date 03/31/00] [Edit date 03/31/00]

4/8/00 52 ORDER for appointment of counsel, Added Attorney Roberto G Vela ( Signed by Judge Janis Graham Jack ), entered. Parties ntfd. Atty. Ron Barroso terminated. (mas) [Entry date 04/10/00]

4/18/00 53 CJA 20 as to Michel NMI De La Osa : Appointment of Attorney Roberto Vela. Voucher # 0900926 ( Appointed by Judge Janis Graham Jack ) entered. (ys) [Entry date 04/18/00]

5/19/00 54 Sealed MOTION by USA as to Michel NMI De La Osa to seal , filed. (mas) [Entry date 05/23/00]

5/24/00 57 SEALED DOCUMENT as to Michel NMI De La Osa , filed. AUSA Ken Cusick f/govt. Robert Vela f/deft. ERO-Velma Gano. (mas) [Entry date 05/31/00] [Edit date 05/31/00]

5/30/00 59 AMENDED JUDGMENT Michel NMI De La Osa (1) count(s) 1 ( Signed by Judge Janis Graham Jack ), entered. Parties ntfd. (mas) [Entry date 05/31/00]

2/12/01 62 Probation jurisdiction transferred out as to Michel NMI De La Osa, entered. Transmitted to Southern District of Florida, Miami Division. Transfer of Jurisdiction form. with certified copies of indictment, judgment and docket sheet. ( Signed by Judge Janis Graham Jack ) (ys) [Entry date 02/15/01]

2/15/01 -- Documents mailed to Clerk, U.S. District Court, Southern District of Florida, Federal Courthouse Square, 301 N. Miami Avenue, Miami, FL 33128-7788 as to Michel NMI De La Osa (ys) [Entry date 02/15/01]

## United States District Court

## Southern District of Texas

JAN 26 1999

Holding Session in Corpus Christi

Michael N. Milby, Clerk of Court

UNITED STATES OF AMERICA

v.

MICHEL DE LA OSA

## JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: 2:98CR00070-001

James R. Walker

Defendant's Attorney

☐ See Additional Aliases - Sheet

## THE DEFENDANT:

- ☒ pleaded guilty to count(s) 1 on May 29, 1998
- ☐ pleaded nolo contendere to count(s) \_\_\_\_\_ which was accepted by the court.
- ☐ was found guilty on count(s) \_\_\_\_\_ after a plea of not guilty.

**Title & Section**  
21 U.S.C. § 846, 841(a)(1) and  
(b)(1)(A)

**Nature of Offense**  
Conspiracy to Possess With Intent  
to Distribute 1,898 Kilograms of  
Marijuana

**Date Offense  
Concluded**  
03/21/1998

**Count Number(s)**  
1

☐ See Additional Counts of Conviction - Sheet

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) \_\_\_\_\_
- ☒ Count(s) 2 are dismissed on the motion of the United States

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Social Security No.: 593-55-9123Defendant's Date of Birth: 03/20/1973Defendant's USM No.: 76754-079

Defendant's Residence Address:

9310 S.W. 62nd StreetMiami, FL 33173

Defendant's Mailing Address:

9310 S.W. 62nd StreetMiami, FL 33173TRUE COPY I CERTIFY  
ATTEST:

MICHAEL N. MILBY, Clerk of Court

By [Signature] Deputy Clerk

January 22, 1999

Date of Imposition of Judgment

Signature of Judicial Officer

JANIS GRAHAM JACK  
UNITED STATES DISTRICT JUDGE

Name and Title of Judicial Officer

Date

1-26-99

49

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of  
50 month(s).

☐ See Additional Imprisonment Terms - Sheet

☐ The Court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ \_\_\_\_\_ on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ by 2 p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

**RETURN**

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_ with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By

\_\_\_\_\_  
Deputy U.S. Marshal

**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of 4 year(s).

☐ See Additional Supervised Release Terms - Sheet

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.  
The defendant shall not illegally possess a controlled substance.

*For offenses committed on or after September 13, 1994:*

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

☐ The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable)

☒ The defendant shall not possess a firearm as defined in 18 U.S.C. § 921. (Check, if applicable)

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the additional conditions on the attached page.

☒ See Special Conditions of Supervision - Sheet 3.01

**STANDARD CONDITIONS OF SUPERVISION**

- 1) the defendant shall not leave the judicial district without the permission of the Court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the Court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement;
- 14) if restitution has been ordered, the defendant shall make restitution as ordered by the Court and in accordance with the applicable provisions of Title 18 U.S.C. § 2248, 2259, 2264, 2327, 3663, 3663A, and/or 3664. The defendant shall also pay the assessment imposed in accordance with Title 18 U.S.C. § 3013;
- 15) the defendant shall notify the U.S. Probation Office of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay restitution, fines, or special assessments.

**SPECIAL CONDITIONS OF SUPERVISION**

**DEPORTATION:** If deported, the defendant is not to re-enter the United States illegally. If the defendant is deported during the period of probation or the supervised release term, supervision by the probation office becomes inactive. If the defendant returns, the defendant shall report to the nearest U.S. Probation Office immediately. Supervision by the probation office reactivates automatically upon the defendant reporting.

**DRUG SURVEILLANCE:** The defendant shall submit to periodic urine surveillance and/or breath, saliva and skin tests for the detection of drug abuse as directed by the probation officer. The defendant will incur costs associated with such detection efforts based on ability to pay as determined by the probation officer.

## CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Sheet 5, Part B.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	\$100.00	\$10.00	

☐ If applicable, restitution amount ordered pursuant to plea agreement .....

☐ See Additional Terms for Criminal Monetary Penalties - Sheet

### FINE

☒ The above fine includes costs of incarceration and/or supervision in the amount of \$0.00

The defendant shall pay interest on any fine of more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612 (f). All of the payment options on Sheet 5, Part B may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612 (g).

☒ The Court determined that the defendant does not have the ability to pay interest and is ordered that:

☒ The interest requirement is waived.

☐ The interest requirement is modified as follows:

### RESTITUTION

☐ The determination of restitution is deferred until \_\_\_\_\_. An Amended Judgment in a Criminal Case will be entered after such determination.

☐ The defendant shall make restitution to the following payees in the amounts listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless specified otherwise in the priority order or percentage payment column below.

<u>Name of Payee</u>	<u>**Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or Percentage of Payment</u>
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Totals:	<u>\$0.00</u>	<u>\$0.00</u>
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## SCHEDULE OF PAYMENTS

Payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

Payment of total fine and other criminal monetary penalties shall be due as follows:

- A ☒ in full immediately; or
- B ☐ \_\_\_\_\_ immediately, balance due (in accordance with C, D, or E); or
- C ☐ not later than \_\_\_\_\_; or
- D ☐ in installments to commence \_\_\_\_\_ day(s)  
 In the event the entire amount of criminal monetary penalties imposed is not paid prior to the commencement of supervision, the U.S. probation officer shall pursue collection of the amount due, and shall request the court to establish a payment schedule if appropriate; or
- E ☐ in \_\_\_\_\_ (e.g. equal, weekly, monthly, quarterly) installments of \_\_\_\_\_  
 over a period of \_\_\_\_\_ year(s) to commence \_\_\_\_\_ day(s) after the date of this judgment.

The defendant will receive credit for all payments previously made toward any criminal monetary penalties imposed.

Special instructions regarding the payment of criminal monetary penalties:

**Make all payments payable to: U.S. District Clerk, 521 Starr Street, Room 101, Corpus Christi, TX 78401**

Payments are to begin 60 days from the date of placement at the Bureau of Prisons at a rate of no more than 20 percent of funds in his/her inmate trust fund. The balance is to be paid no later than the end of the term of supervised release.

☐ Joint and Several

**Case Number**  
**(Including Defendant No.)**

**Defendant Name**

**Joint and Several**  
**Amount**

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

☐ See Additional Forfeited Property - Sheet

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalty payments, except those payments made through the Bureau of Prison's Inmate Financial Responsibility Program, are to be made as directed by the Court, the probation officer, or the United States Attorney.



**STATEMENT OF REASONS**

☐ The Court adopts the factual findings and guideline application in the presentence report.

**OR**

☒ The Court adopts the factual findings and guideline application in the presentence report except:

The Court finds that safety valve is applicable pursuant to U.S.S.G. § 5C1.2.

☐ See Additional Findings and Guideline Application Exceptions - Sheet

**Guideline Range Determined by the Court:**

Total Offense Level: 27

Criminal History Category: I

Imprisonment Range: 70 to 87 months.

Supervised Release Range: 3 to 5 years.

Fine Range: \$12,500.00 to \$4,000,000.00

☒ Fine waived or below the guideline range because of inability to pay.

Total Amount of Restitution: \_\_\_\_\_

☐ Restitution is not ordered because the complication and prolongation of the sentencing process resulting from the fashioning of a restitution order outweighs the need to provide restitution to any victims, pursuant to 18 U.S.C. § 3663(d).

☐ For offenses committed on or after September 13, 1994; but before April 23, 1996, that require the total amount of loss to be stated, pursuant to Chapters 109A, 110, 110A, 113A of Title 18, restitution is not ordered because the economic circumstances of the defendant do not allow for the payment of any amount of a restitution order, and do not allow for the payment of any or some portion of a restitution order in the foreseeable future under any reasonable schedule of payments.

☐ Partial or no restitution is ordered for the following reason(s):

☐ The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by the application of the guidelines.

**OR**

☐ The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

☐ See Additional Reasons for Point Within Range - Sheet

**OR**

☒ The sentence departs from the guideline range:

☒ upon motion of the government, as a result of defendant's substantial assistance.

☐ for the following specific reason(s):

☐ See Additional Reasons For Departure From The Guideline Range - Sheet

United States District Court  
Southern District of Texas  
FILED

APR 08 1998

Michael N. Milby, Clerk of Court

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA

§

VS.

§ CRIMINAL NO.

**C - 98 - 70**

MICHEL DE LA OSA  
ERNESTO M. CACHON

§

§

**INDICTMENT**

THE GRAND JURY CHARGES THAT:

**COUNT ONE**

On or about March 21, 1998, in the Corpus Christi Division of the Southern District of Texas and elsewhere within the jurisdiction of the Court, the defendants,

MICHEL DE LA OSA, and ERNESTO M. CACHON

did knowingly and intentionally conspire and agree together and with each other, and with other persons unknown to the Grand Jurors, to knowingly and intentionally possess with intent to distribute a controlled substance, that is more than one thousand (1,000) kilograms of marihuana, to wit: approximately one thousand eight hundred ninety-eight (1,898) kilograms (gross weight) of marihuana, a Schedule I controlled substance.

In violation of Title 21, United States Code 846, 841(a)(1) and 841(b)(1)(A).

TRUE COPY I CERTIFY

ATTEST:

MICHAEL N. MILBY, Clerk of Court

By

*[Signature]*  
Deputy Clerk

**COUNT TWO**

On or about March 21, 1998, in the Corpus Christi Division of the Southern District of Texas and elsewhere within the jurisdiction of the Court, the defendant,

MICHEL DE LA OSA,

who was aided, abetted, and assisted by other persons known and unknown to the Grand Jurors, did knowingly and intentionally possess with intent to distribute a controlled substance, that is more than one thousand (1,000) kilograms of marihuana, to wit: approximately one thousand one hundred fifty-seven (1,157) kilograms (gross weight) of marihuana, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A), and Title 18, United States Code, Section 2.

**COUNT THREE**

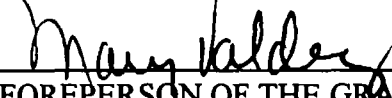
On or about March 21, 1998, in the Corpus Christi Division of the Southern District of Texas and elsewhere within the jurisdiction of the Court, the defendant,

ERNESTO M. CACHON,

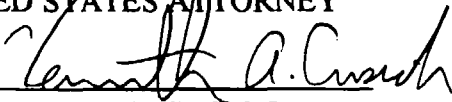
who was aided, abetted, and assisted by other persons known and unknown to the Grand Jurors, did knowingly and intentionally possess with intent to distribute a controlled substance, that is more than one-hundred (100) kilograms of marihuana, to wit: approximately seven hundred and forty-one (741) kilograms (gross weight) of marihuana, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B), and  
Title 18, United States Code, Section 2.

A TRUE BILL:

  
FOREPERSON OF THE GRAND JURY

JAMES H. DeATLEY  
UNITED STATES ATTORNEY

By:   
KENNETH A. CUSICK  
Assistant United States Attorney